IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.93 OF 2006

The State of Maharashtra ...Petitioner

Vs.

Dr. Suhas Narayn Parachure & Ors. ...Respondents

Shri S.R.Shinde, A.P.P for the Petitioner.
Shri S.R.Bhosale for the Respondent Nos.1 to 3, 5,7,8 and 10 to 13.

CORAM : A. S. OKA, J.
DATE : OCTOBER 11, 2006.

P.C.:

1. Heard the learned A.P.P for the State. The challenge in this Petition is to the order dated 13th July, 2005 passed by the learned Sessions Judge, Pune by which revision Application filed by the Petitioner-State has been rejected. In the revision Application, the Petitioner-State had impugned Judgment and order dated 03rd November, 1998 passed by the Additional Chief judicial Magistrate, Pune by which the Application for discharge made by the accused Nos.4 to 19 (except accused Nos.11,12 and 15 who are dead) was allowed. The learned Additional Chief Judicial Magistrate, Pune directed the Investigating Officer to submit separate chargesheets against the accused Nos.1 to 3 in the light of the observations made in the said order.

2. The learned A.P.P submitted that there was

sufficient material on record to proceed against the Respondents herein. He pointed out that the charge against Respondents was of commission of offences punishable under section 409, 467, 477-A and 120-B of the Indian Penal Code. He submitted that the allegation was of misappropriation of funds of a registered Public Trust. He submitted that detailed scrutiny of the allegations at this stage was not required and as there was some material to proceed against the Respondents, the order of discharge could not have been passed.

3. I have considered the submissions made by the learned A.P.P. The complainant in the case was the General Manager of the said Public Trust. The observation of the learned Sessions Judge is that the accused Nos.1 to 3 being the office bearers were directly concerned with the monitory affairs and the expenditure of the Trust funds. The learned Trial Judge as well as the learned Sessions Judge has considered the material on record. The learned Judges have referred to report of the inquiry conducted by the learned Joint Charity Commissioner in respect of affairs of the Trust. The courts have placed reliance on the said report. It is held that the accused Nos.1

to 6 were entitled to receive honorarium. It is pointed out that additional payment of Rs,01,32,000/- was made to 40 permanent workers of the Trust during the period from May 1989 to September 1990 and the payments have been made through the bank accounts of the concerned employees. It is found that none of the employees had complained about not receipt of additional payment.

4. The learned Sessions Judge has referred to various amounts paid for propaganda, copying, xerox charges, typing charges, furniture etc. It is pointed out by the learned Sessions Judge that even the audit report showing misappropriation has not been produced. The conclusion drawn by the learned Sessions Judge is that there was no prima facie material on record to show that the said accused or any of them have forged the vouchers or had made false entries in accounts of the Trust.

5. I find no error in the view taken by the courts below. No case is made out for interference in this Petition under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973. Petition is rejected.

JUDGE